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FILEDSEP 21 2006
U.S. MAGISTRATE JUDGE
DISTRICT OF NEVADA

BY _____ DEPUT

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

8 IN THE MATTER OF THE SEARCH OF:) No. 3:06-CV-0263-BES-VPC
)
 9 The Residence Located at 12720)
 Buckthorne Lane, Reno, Nevada, and) SECOND DECLARATION OF
 10 Storage Units 136, 140, 141, 142, and 143,) SA MICHAEL A. WEST
 Double R. Storage, 888 Maestro Drive,)
 11 Reno, Nevada)
 _____)

DECLARATION

14 I, MICHAEL A. WEST, do hereby say that:

15 1. I am a Special Agent with the Federal Bureau of Investigation. My duties include the
 16 investigation of alleged violations of federal statutes that occur in Northern Nevada. As part of my
 17 regularly assigned duties, I have been assigned to the instant matter and to investigate allegations of
 18 theft of trade secrets and the unlawful retention of information relating to the national defense.

19 2. Revealing the redacted portions of the February 28, 2006, and March 3, 2006, Affidavits
 20 filed in support of search warrant applications for 12720 Buckthorne Lane, Reno, and Storage Units
 21 136, 140, 141, 142, and 143, Double R. Storage, 888 Maestro Drive, Reno, Nevada, would expose
 22 investigative techniques and cooperating witnesses used in this ongoing investigation.

23 3. During my investigation, Warren Trepp, Chief Executive Officer, eTreppid Technologies,
 24 LLC, told me that the most recent US Government contract negotiations were with the U.S. Air
 25 Force to continue eTreppid's software development efforts in multiple areas, to include the continued
 26 development of software [REDACTED]
 27 [REDACTED]
 28 \\\



1 4. In July 2006, Mr. Trepp advised me that Laura Koehnen, an Account Manager for Scion
2 Technologies, had been requested by Dennis L. Montgomery to set up meetings with individuals
3 who may be interested in purchasing Mr. Montgomery's software technology. Koehnen described to
4 Trepp's Attorney, Douglas Frye, what Mr. Montgomery had described or shown to Koehnen which
5 Mr. Trepp believes to be the same software technology Mr. Montgomery worked on while employed
6 at eTreppid, and the same software technology that eTreppid was negotiating with the U.S. Air
7 Force.

8 5. On or about July 27, 2006, Mr. Trepp advised me that he had preliminary information that
9 Mr. Montgomery had gone to work for a company in Washington state and may have sold or
10 contributed the software removed and deleted from eTreppid to his new employer. Mr. Trepp is
11 working to identify this company and obtain any documents relating to the conditions or terms of Mr.
12 Montgomery's employment at this new company.

13 6. On August 10, 2006, I received a telephone call from Special Agent Gabriel Gunderson of
14 the Seattle FBI Office who advised me that his office received information from Azimyth, a
15 company located in Bellevue, Washington, which had discovered terrorist threat related information.
16 Special Agent Gunderson related that Michael Sandoval, Chief Executive Officer of Azimyth, had
17 contacted a retired Central Intelligence Agency former Chief of Station residing in Washington and
18 offered to provide the U.S. Government terrorist threat related information. Special Agent
19 Gunderson further related that Dennis L. Montgomery was the Azimyth employee who located the
20 information. Special Agent Gunderson advised me in a subsequent conversation that Mr.
21 Montgomery had reported that he located increase noise in recent Al-Jazeera video transmissions.

22 7. In the 41(g) Motion Hearing, I was provided two binders by Mr. Montgomery's counsel
23 containing numerous exhibits. While testifying regarding the contents of Exhibit 13, "Montgomery
24 Copyrights", I observed a fax document from the Library of Congress, U.S. Copyright Office, to
25 Dennis L. Montgomery with the fax header reading "Jun 28 2006 9:48PM AziMyth 4256376950".
26 On 08/17/2006, Dennis L. Montgomery signed a Second Declaration in support of the motion under
27 F.R. Crim. P. 41(g) to unseal search warrant and return his property. In this declaration in paragraph
28 3, Mr. Montgomery states "No person at eTreppid is able, to my knowledge, to create source codes

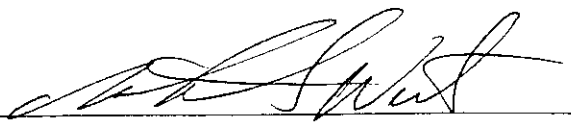
1 that I have created having multiple applications in the war on terror and other military uses.
2 Conclusive proof on this issue is established by the recent interception within the last several weeks
3 of the attempts by terrorists operating out of London to blow up jetliners originating in London and
4 bound for the US. I gave the appropriate authorities within the US Government accurate and very
5 specific intelligence regarding this terrorist plot, as I have done in the past, prior to the arrests by the
6 London authorities - without compensation." Further, in paragraph 11, Mr. Montgomery states that
7 he had been processing vital national security output involving [REDACTED]
8 in September 2005, while working for Mr. Trepp at eTreppid..

9 8. It appears Mr. Montgomery has solicited others to find purchasers of software in his
10 possession and that Mr. Montgomery has gained employment at Azimyth in Washington state and
11 may be attempting to sell the software developed at eTreppid and subsequently deleted from
12 eTreppid computers.

13 9. Exposing the remaining redacted portions of my Affidavit in support the search warrants
14 would expose investigative techniques and limit the Governments ability to collect additional
15 evidence through additional consensually monitored calls, use of cooperating witness, and the use of
16 surveillance techniques in this ongoing investigation.

17
18 I Declare under Penalty of Perjury that the Foregoing is True and Correct.

19
20 Executed this 14 September, 2006, in Reno, Nevada

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22 
23 Michael A. West
24 Special Agent, Federal Bureau of Investigation
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